

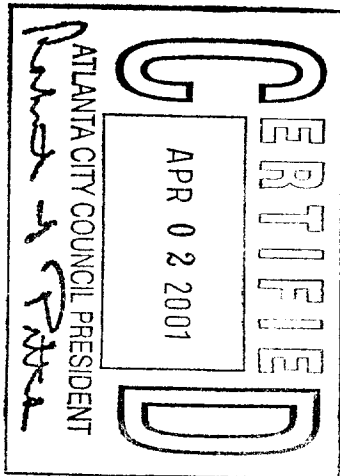
Entered - 03/08/01 - sb  
CL01L0165 - DIANNE C. MITCHELL

CLAIM OF: **TORRANCE B. ASHMON,**  
through his attorney,  
**Darrell L. Burrow**  
**4812-A Old National Highway**  
**College Park, Georgia 30337**

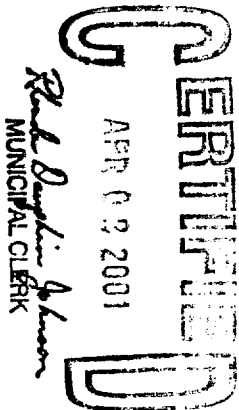
01-R-0510

For damages alleged to have been sustained as a result of vehicular  
accident on February 13, 2001 at 2315 Bankhead Highway.

THIS ADVERSED REPORT IS APPROVED



BY: Rosalind Rubens Newell  
**ROSALIND RUBENS NEWELL**  
**DEPUTY CITY ATTORNEY**



ADVERSED BY  
CITY COUNCIL APR 02 2001

ADVERSED REPORT

CO. P.S.L.A.

3/27/01

✓ Cleta Fowler  
Henry Dwyer  
Michael R. ...  
...  
CW...



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

April 18, 2001

Darrell L. Burrow  
Attorney at Law  
4812-A Old National Highway  
College Park, GA 30337

**01-R-0510**

**RE: Torrance B. Ashmom**

Dear Attorney Burrow:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on April 02, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0165

Date: March 15, 2001

Claimant /Victim TORRANCE B. ASHMON  
BY: (Atty) Darrell L. Burrow  
Address: 4812-A Old National Highway, College Park, Georgia 30337  
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated  
Date of Notice: 03/06/01 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 02/13/01 Place: 2315 Bankhead Highway  
Department Police Division:         
Employee involved Torrance B. Ashmon Disciplinary Action:       

NATURE OF CLAIM: The claimant, a City of Atlanta police officer, alleges while he was on duty that he was injured in a vehicular accident with a vehicle owned by Fulton County and driven by its employee. The claimant's attorney has presented the officer's claim as an ante litem notice claim, but this claim should have been directed to the Worker's Compensation Division in the Department of Finance as his exclusive remedy against the City of Atlanta is through his Worker's Compensation benefits. The claimant's attorney has been notified of the above and the claim has been forwarded to the Worker's Compensation Division.

### INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police        Dept Report        Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other X Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager: Darrell L. Burrow Concur/date 03-15-01  
Committee Action:        Council Action

**DARRELL L. BURROW, P.C.**

**ATTORNEY AT LAW**  
4812 - A OLD NATIONAL HIGHWAY  
COLLEGE PARK, GEORGIA 30337

TELEPHONE: (404) 559-1121  
FACSIMILE: (404) 559-1118

MAILING ADDRESS:  
P. O. BOX 640067  
ATLANTA, GEORGIA 30364

*M. Mitchell*  
*03/06/01*  
*Du*

February 27, 2001

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
7099 3400 0010 1637 1696

ENTERED - 3-8-01 - SB  
01L0165 - DIANNE MITCHELL

Honorable Bill Campbell  
Mayor, City of Atlanta  
55 Trinity Avenue, SW  
Suite 2400  
Atlanta, GA 30335

ANTE LITEM NOTICE UNDER O.C.G.A. 36-33-5

RE: My Client: Torrance B. Ashmon  
Department: City of Atlanta Police Department  
Date of Injury: 02/13/2001

NOTICE IS HEREBY GIVEN, pursuant to O.C.G.A. 36-33-5, that Torrance B. Ashmon intends to pursue a claim with the City of Atlanta; and, as required by law, you are notified as follows:

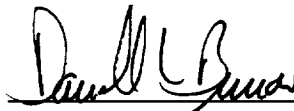
1. That on February 13, 2001, at approximately 3:15 p.m., Torrance B. Ashmon was in the parking lot of the Atlanta Police Precinct located at 2315 Bankhead Highway, N.W. at its intersection with Gary Road, N.W.
2. Mr. Ashmon was waiting for traffic to clear so that he could exit the parking lot.
3. A Fulton County Animal Shelter vehicle, being driven by Willie Hollis Redden was traveling westbound on Bankhead Highway in the left lane.
4. The Fulton County Animal Shelter truck was traveling too fast for conditions, failing to keep a proper lookout, and following too closely behind a vehicle that was in front of him in the same lane and being driven by Henry Kilgore.
5. The Animal Shelter vehicle applied his brakes, leaving skid marks, and also swerved to the right; however, that vehicle collided with the rear-end of the vehicle being driven by Henry Kilgore.

6. The failure of the Animal Shelter vehicle to maintain his lane and avoid striking other vehicles on the roadway sent the Animal Shelter vehicle out of control. The Animal Shelter vehicle slid through the right lane of travel, bounced over a curb and sidewalk and continued in the direction of Torrance B. Ashmon.
7. The Animal Shelter vehicle struck the vehicle in which Torrance B. Ashmon was driving.
8. Torrance B. Ashmon was seriously injured as a result of the severe and violent collision.
9. The collision resulted solely from the negligence of the driver of the Fulton County Animal Shelter/Control vehicle, Willie Hollis Redden.
10. Fulton County is responsible for the actions of its employees under the doctrine of respondent superior and, therefore, it is responsible to Torrance B. Ashmon for the damages that follow from the negligence of Willie Hollis Redden.
11. Torrance B. Ashmon will be seeking payment of medical bills, lost wages, pain and suffering, future pain and suffering, and future medical bills as a result of the accident.

Pursuant to O.C.G.A. 36-11-1, you are hereby notified that Torrance B. Ashmon will be presenting a claim and demand payment from Fulton County in an amount that is not yet determined for all of his injuries, damages and losses.

A supplemental notice will be mailed to you once a value has been assigned to his claim.

SO NOTICED, this 28<sup>th</sup> day of February, 2001.



Darrell L. Burrow  
Attorney for Claimant, Torrance B. Ashmon

01-*R*-0510

RCS# 2775  
4/02/01  
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 13

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Unanimous

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0345  
01-O-0526  
01-R-0541

CONSENT

---

**04/02/01 Council Meeting**

---

**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 01-O-0225
2. 01-O-0534
3. 01-O-0528
4. 01-O-0539
5. 01-O-0530
6. 01-O-0531
7. 01-R-0527
8. 99-R-2071
9. 01-R-0368
10. 01-R-0481
11. 01-R-0536
12. 01-R-0537
13. 01-R-0550
14. 01-R-0484
15. 01-R-0485
16. 01-R-0486
17. 01-R-0487
18. 01-R-0293
19. 01-R-0425
20. 01-R-0457
21. 01-R-0418
22. 01-R-0483
23. 01-R-0549
24. 01-R-0500
25. 01-R-0501
26. 01-R-0502
27. 01-R-0503
28. 01-R-0504
29. 01-R-0505
30. 01-R-0506
31. 01-R-0507
32. 01-R-0508

**ITEMS ADVERSED  
ON CONSENT AGENDA**

33. 01-R-0509
  34. 01-R-0510
  35. 01-R-0511
  36. 01-R-0512
  37. 01-R-0513
  38. 01-R-0514
  39. 01-R-0515
  40. 01-R-0516
  41. 01-R-0517
  42. 01-R-0518
  43. 01-R-0519
  44. 01-R-0520
  45. 01-R-0521
  46. 00-R-1361
-